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No. \_\_\_\_\_

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UNITED STATES COURTS OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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IN RE: JOHN ANTHONY CASTRO,

*Petitioner*

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On Petition for a Writ of Mandamus to the United States  
Court of Appeals for the Eleventh Circuit

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**PETITION FOR WRIT OF MANDAMUS**

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**PETITION FOR WRIT OF MANDAMUS**

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**RELIEF SOUGHT**

Pursuant to 28 U.S.C. § 1651 and Federal Rule of Appellate Procedure 21, John Anthony Castro respectfully petitions this Court to issue a Writ of Mandamus, in aid of its appellate jurisdiction, directing United States District Judge Aileen Mercedes Cannon to disqualify herself on the basis that her impartiality has both already been reasonably questioned by the general public and continues to be reasonably questioned in the now pending case: *John Anthony Castro, Plaintiff v. Donald J. Trump, Defendant, No. 23-80015-CIV-CANNON*.

**ISSUE PRESENTED**

In light of widespread and reasonable public questioning of United States District Judge Aileen Mercedes Cannon's impartiality with regard to cases involving Donald J. Trump by fully informed lay individuals, legal scholars, and media outlets, did United States District Judge Aileen Mercedes Cannon abuse her discretion in failing to disqualify herself in this case involving Donald J. Trump?

**STATEMENT OF FACTS**

John Anthony Castro is an FEC-registered 2024 Republican Presidential candidate currently and actively seeking the nomination of the Republican Party to

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pursue the Presidency of the United States. John Anthony Castro brought a civil action against Donald J. Trump under the Declaratory Relief Act to “declare the rights and other legal relations” of John Anthony Castro and Donald J. Trump, including whether Donald J. Trump’s actions and public statements with regard to the January 6, 2021, attack on the United States Capitol and those involved in the attack disqualifies Donald J. Trump from pursuing and/or holding public office in the United States pursuant to Section 3 of the 14th Amendment to the United States Constitution.

United States District Judge Aileen Mercedes Cannon was “randomly” assigned to the case. Judge Cannon’s first official act was to *sua sponte* dismiss the complaint purportedly pursuant to the Shotgun Pleading Rule despite its dubious application to the Original Complaint. Nevertheless, John Anthony Castro complied and filed his First Amended Complaint.

Second, Judge Cannon denied John Anthony Castro access to the district court’s Case Management and Electronic Filing System with a paperless order; demonstrating a complete dereliction of judicial duty to intellectually explain a rational legal basis for her decision. This is the topic of a separate and earlier filed Writ of Mandamus for infringing on John Anthony Castro’s First Amendment right to efficiently petition the federal judiciary to redress his grievances.

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Third, Judge Cannon denied John Anthony Castro's motion to disqualify herself despite binding case law in the Eleventh Circuit; demonstrating her complete lack of regard for this Honorable Court of Appeals' binding jurisprudence.

Fourth, Judge Cannon denied John Anthony Castro's motion to certify for interlocutory appeal her order denying recusal with a paperless order; once again demonstrating a complete dereliction of judicial duty to intellectually explain a rational legal basis for her decision.

In his well-drafted motion to disqualify Judge Cannon, John Anthony Castro cited that *not only was it the case* that her "impartiality might reasonably be questioned" but that her impartiality in a case involving Donald J. Trump had *already been questioned* by the general public. Judge Cannon's abuse of discretion to unconstitutionally intervene in and obstruct the criminal investigation of Donald J. Trump was the topic of numerous ethics and judicial complaints.

### **REASONS WHY THE WRIT SHOULD BE ISSUED**

The avoidance of the appearance of partiality is paramount to preserving the integrity and independence of the federal judiciary. The purported "random" assignment of this case to Judge Aileen Mercedes Cannon has already been viewed as suspect by members of the public, the media, and legal scholars.

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Based on the totality of circumstances, it is indisputable that there would be and, in fact, presently is an appearance of impropriety and lack of impartiality.

In accordance with the Eleventh Circuit's own binding jurisprudence, given the indisputable fact that millions of fully informed Americans already reasonably question and continue to question Judge Aileen Mercedes Cannon's impartiality in cases involving Donald J. Trump, her failure to disqualify herself is a clear and indisputable abuse of discretion.

### CONCLUSION

For the reasons and authorities stated herein, John Anthony Castro petitions this Court to issue a Writ of Mandamus to compel United States District Judge Aileen Mercedes Cannon to disqualify herself from this case and grant John Anthony Castro such other and further relief as this Honorable Appeals Court deems proper.

Dated: February 22, 2023


Respectfully submitted,

By:   
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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion complies with the type volume limitation of Rule 21(d)(i) of the Federal Rules of Appellate Procedure. As measured by the word processing system used to prepare this motion, the motion contains 804 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(a)(7)(B)(iii), and complies with the type style requirement of Fed. R. App. P. 32(a)(6), because it has been prepared in a 14 point proportionally spaced roman-style typeface (Times New Roman).

  
\_\_\_\_\_  
John Anthony Castro

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 22, 2023, a true and accurate copy of the foregoing *Petition for a Writ of Mandamus* with accompanying Exhibits (if any) was served via U.S. First Class Mail on the following:

Lindsey Halligan  
511 SE 5<sup>th</sup> Avenue  
Fort Lauderdale, FL 33301  
Attorney for Defendant

Jacob F. Grubman  
IFRAH LAW, PLLC  
1717 Pennsylvania Avenue, NW, Suite 650  
Washington, DC 20006

Judge Aileen M. Cannon  
Paul G. Rogers Federal Building and U.S. Courthouse  
701 Clematis St. Rm 202  
West Palm Beach FL 33401



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John Anthony Castro

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**U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT (CIP)**

John Anthony Castro vs. Donald J. Trump Appeal No. \_\_\_\_\_  
11th Cir. R. 26.1-1(a) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

*(please type or print legibly):*

Cannon, Aileen M., Judge for U.S. District Court Southern District of Florida (West Palm Beach)

Grubman, Jacob F., Attorney for Defendant

Halligan, Lindsey, Attorney for Defendant

Trump, Donald J., Defendant